

Park teaches a multilayer foam sheet comprising a layer of polypropylene foam and at least one functional layer to act as a barrier to air or water vapor (col. 8, lines 44-56). In this manner, the multilayer foam sheet is useful in packaging applications where extended shelf-life is desirable (col. 8, lines 56-57). Disclosed materials for use as the functional layers are ethylene-vinyl alcohol copolymers, vinylidene chloride copolymers, and polyamides (col. 8, lines 58-61).

In contrast, the presently-claimed invention recites a coating disposed on a polyolefin foam sheet, wherein the coating comprises at least one member selected from the group consisting of "ethylene/propylene rubber, homogeneous ethylene/alpha-olefin copolymer, and ethylene/acrylic acid copolymer (independent claims 1 and 12)." As also recited in claims 1 and 12, the coating is capable of bonding the polyolefin foam sheet to a second foam sheet having a different chemical composition than the first polyolefin foam sheet at a bond strength of at least about 4 lb_r/inch. None of the materials disclosed in Park for the functional layer overlap with or otherwise anticipate any of the foregoing materials as recited in claims 1 and 12.

In the Office Action, the Examiner refers to Park's teaching of ethylene-vinyl alcohol copolymer as one of the disclosed materials for use as the functional layer. However, ethylene-vinyl alcohol copolymer is different from ethylene/propylene rubber, homogeneous ethylene/alpha-olefin copolymer, and ethylene/acrylic acid copolymer as recited in claims 1 and 12. For example, while ethylene-vinyl alcohol ("EVOH") contains a vinyl alcohol comonomer, an ethylene/alpha-olefin ("EAO") contains an alpha-olefin comonomer, which is a different chemical moiety than a vinyl alcohol comonomer. Thus, while EVOH is polar and provides a relatively high barrier to the passage of gas, EAO is non-polar and provides a relatively low barrier to the passage of gas. The

differences between EVOH and EAOs are well understood by those of ordinary skill in the art.

Moreover, the claims further specify that the EAO is “homogeneous.” Homogeneous EAOs are fully described in the specification at the paragraph bridging pages 8-9. As noted at page 9, lines 5-9, homogeneous, as opposed to heterogeneous, EAOs have been found to provide excellent adhesion between two different polyolefin foam sheets. In contrast, EVOH provides poor adhesion between two different polyolefin foam sheets. Homogeneous EAOs are neither taught nor suggested in Park.

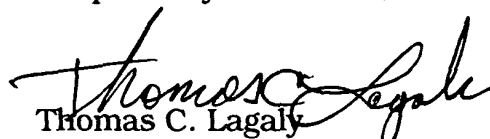
Accordingly, Park clearly does not anticipate the presently-claimed invention, and similarly does not render such invention obvious. In the first place, a *prima facie* case of obviousness requires that “the prior art reference (or references when combined) must teach or suggest all the claim limitations.” (MPEP §2143.) Since Park does not teach or suggest any of the materials recited in claims 1 and 12 for the claimed coating, Park does not render such claims *prima facie* obvious. Secondly, Park’s listing of the particular materials that are suitable for the functional layer is quite specific, and clearly teaches that such materials are selected to provide a barrier to water vapor or air (col. 8, lines 55-56). The three materials listed (ethylene-vinyl alcohol copolymers, vinylidene chloride copolymers, and polyamides) are all well-known barrier layer materials. Thus, substituting a material with lesser barrier properties, such as an EAO, would be contrary to Park’s teaching. Any proposed substitution of an EAO for EVOH as taught in Park, therefore, would form an improper basis for a *prima facie* case of obviousness.

Applicant respectfully submits, therefore, that claims 1-4, 6-12, and 14-21 are both novel and non-obvious over Park. Baxmann does not cure the above-noted deficiencies of Park. Thus, dependent claims 5 and

14 are patentable for the same reasons set forth above with respect to independent claims 1 and 12.

For all of the foregoing reasons, Applicant submit that the claims as now presented are patentably distinct from the references of record and are, therefore, in condition for allowance. A Notice of Allowance is earnestly solicited.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Thomas C. Lagaly".

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